



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

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Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 3
Section 1: General Administration	Effective Date: 05/18/12
Signature: /s/ Mike Ferriter, Director	Revised:

I. POLICY

It is the policy of the Department of Corrections to promote public trust and enhance accountability and openness through providing the public with access to the Department's records in compliance with the [Montana Constitution, Article II, Section 9](#) and [Chapter 2, Title 6, Public Records, MCA](#) and responding to public requests for services in an expeditious and professional manner.

II. APPLICABILITY

All divisions, facilities, and programs Department-owned and contracted, as specified in contract.

III. DEFINITIONS

Requester – A member of the public contacting the Department excluding incarcerated offenders, legislators, news media representatives, and employees of Montana or other state agencies contacting the Department for business purposes.

Public Records – All documents kept by the Department unless someone has a privacy interest in them and the privacy interest clearly exceeds the public's right to know in accordance with [2-6-202, MCA](#).

IV. DEPARTMENT DIRECTIVES

A. General Requirements

1. The Department strives to provide resolution to public communication requests or comments within a 30-day period; however, additional time may be required to complete the following:
 - a. clarify public statements or requests;
 - b. locate and assemble requested information;
 - c. notify persons affected by request; or
 - d. determine whether response or information is exempt from disclosure.
2. A division administrator, or designee, is expected to collaborate with subject matter experts or consult within his or her chain of command when responding to public communication requests or comments that may result in an escalating situation.
3. A division administrator, or designee, is required to adhere to the following requirements:
 - a. maintain receipt and response records pertaining to public communication; and

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- b. to ensure consistency and accuracy of statistical information released, the Department communications director must be contacted prior to the release of applicable information.
4. The Department will maintain informative relationships with the news media and will release information to representatives in accordance with [DOC 1.1.8, Media Relations](#).
5. If communication subject to the requirements set forth in [DOC 3.3.3, Offender Grievance Program](#) conflicts with requirements set forth in this policy, the Offender Grievance Program will take precedence.

B. Public Comments

1. Comments submitted by requestors electronically, through mail, or via telephone will be addressed by the Department using standard methods that encourage positive communication, enhance Department responsiveness to public concerns, and increase transparency.
2. Division administrators, or designees, are responsible for investigating circumstances alleged in submitted comments and responding to comments in ways that do not require inclusion of information related to the following:
 - a. confidential personnel matters;
 - b. the security of an institution; or
 - c. violation of any citizen's right to privacy.

C. Requests for Public Information

1. The Department will adhere to applicable state statutes and administrative rules governing the release of Department records.
2. When release of public information will result in reproduction costs, as provided in [2-6-102\(2\), MCA](#) and [2-6-110\(2\), MCA](#), the responding division administrator, or designee, will determine the appropriate costs for reproduction and will notify the requestor of costs in advance.
3. The Legal Services Bureau or Director's Office Legal Counsel will analyze requests for information and identify exempt and nonexempt material prior to release.
4. If any requested record that is determined to be exempt contains any material that is not exempt, nonexempt material will be separated, copied, and forwarded to the requestor.
5. Requests to receive records may be granted, denied, or granted in part. If a request is denied, the Department will issue a written response that includes an explanation for appeal and specific reasons for denial including citations to applicable legal authority.
6. The Department may deny a request for records when it would be unduly burdensome to comply. However, prior to denial, a Department representative will confer with the requestor in an attempt to narrow the request to more manageable proportions.
7. Non-production of records due to the fact that a good faith search by the Department does not produce the requested documents is not a denial of access.

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V. CLOSING

Questions concerning this policy should be directed to the Department communications director.

VI. REFERENCES

- A. [*Montana Constitution, Article II, Section 9*](#)
- B. [*Chapter 2, Title 6, Public Records, MCA*](#)
- C. *DOC Policies* [*1.1.8, Media Relations; 3.3.3, Offender Grievance Program*](#)

VII. ATTACHMENT

None